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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12350-2024

Date of Decision : 24.10.2024

NITIN

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.D.Sehra, Advocate with
Mr. Pradeep Virk, Advocate, for the petitioner(s).

Mr. Abhinash Jain, DAG, Haryana.

Mr. Tarun Yadav, Advocate, for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner, seeks the concession of anticipatory bail, in case FIR No.53 dated 20.02.2024, under Sections 323, 506 and 34 of the IPC (Sections 325 and 379 IPC added later on), registered at Police Station City Rewari, District Rewari.

2. A co-ordinate bench of this Court, while drawing an order on dated 11.03.2024, referred the matter to the Mediation and Conciliation Centre of this Court, and also extended the interim relief of anticipatory bail to the present petitioner. Thereafter, the mediation proceedings stood failed. The said order reads as under:-

“Learned counsel for the petitioner inter alia submits that the parties are neighbour and the petitioner is even willing to tender his unconditional apology to the complainant as well as his mother.
Notice of motion for 03.04.2024.

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The parties are directed to appear before the Mediation and Conciliation Centre, Rewari on 22.03.2024 to explore the possibility of amicable settlement.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

3. In pursuance of the aforesaid order, though the petitioner joined investigation, but not fully co-operated with the investigating officer, inasmuch as, he failed to disclose the name of other co-accused. Thereafter, on the assurance given by learned counsel for the petitioner, vide order dated 07.08.2024, the petitioner was again directed by this Court, to join investigation and to fully co-operate with the investigating officer. He was also burdened with a cost of Rs.10,000/- to be deposited with the District Legal Services Authority concerned.

4. In pursuance of the order dated 07.08.2024, the petitioner again rejoined investigation, besides depositing the cost, as imposed upon him. On the adjourned date, i.e. 01.10.2024, learned State counsel informed this Court that though the petitioner has joined investigation, but again he remained evasive to the questions, as raised by the investigating officer, regarding the involvement of the other co-accused in the instant crime. Thereupon, the petitioner was again directed to rejoin the investigation, vide order of even date, again burdening him with a cost of Rs.10,000/- to be deposited in the District Legal Services Authority concerned.

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5. Today again, learned State counsel, submits, on instructions imparted to him by ASI Gulab Singh, that the petitioner has again not fully co-operated with the investigating officer, inasmuch as disclosing the name of other two assailants, who participated in the instant crime.

6. Learned counsel for the petitioner submits that in deference to the directions issued by this Court vide order dated 01.10.2024, the petitioner has joined investigation, and has also deposited the cost of Rs.10,000/- as directed. He further draws attention of this Court towards the order dated 08.04.2024, passed by the learned Additional Sessions Judge, Rewari, whereby the co-accused-Sachin, has extended the relief of anticipatory bail, and submits that the present petitioner is on co-equal pedestal, with the said co-accused.

7. He over and above, submits that it is the investigating officer, who is in fact unnecessarily harassing them, as no such query was put to said co-accused-Sachin, when he joined investigation.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file, and is of the view that the instant petition deserves to be **allowed**, for the reason that it is for the investigating officer concerned, to find out the other culprit, if any. An accused cannot made to suffer a self inculpatory statement before police authorities, under the garb of an interim anticipatory bail. Further, the co-accused-Sachin, who is on co-equal pedestal, has been granted the relief of anticipatory bail by the court below.

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9. In view of the above, the hereinabove extracted interim order dated 11.03.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

10. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

11. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

12. All pending application(s), if any, also stand **disposed** of accordingly.

October 24, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No